Dewan's reply.—I shall communicate all your remarks to the High Court and I dare say that the High Court will consider them in connection with the revision of the Civil Rules of Practice. I was not aware of the replies given to Mr. Nidiry's interpellation with reference to the production of certificates in connection with the application for copies. That reply was given before I came to Travancore. I shall look into the matter and issue orders without delay.

In regard to Panchayat Courts, you will be interested to learn that the High Court think that the time has arrived for the establishment of more courts and, as you know, the pecuniary jurisdiction of these courts has been raised to Rs. 50 recently. The question of creating more Panchayat Courts and the extension of their territorial jurisdiction will be taken up for consideration very soon.

In regard to ministerial officers in civil courts, the Salaries Committee have made certain recommendations and they will be considered.

Steps are being taken to amend the law in order to give the High Court power to depute one of the judges to make surprise visits to the subordinate courts during working seasons. District Judges do not now inspect Munsiffs' Courts. In British India District Judges inspect all the Munsiffs' Courts once a year. They should do so here also, I think. I shall correspond with the High Court about this.

In regard to the promotion of Munsiffs, I am sure that the High Court are taking into consideration all the points mentioned by you before they recommend promotion to individual officers. Such recommendations do not proceed from a single judge, but are made by all the Judges of the High Court.

As regards the encumbrance certificate, I quite appreciate the difficulty pointed out. I asked the Director of Registration what objection there could be to giving a certificate to the effect that, with reference to the records with the Government, there were such and such encumbrances on the property, and I understand that the absence of a field-war subsidiary index stands in the way of the issue of complete encumbrance certificates. But the certificates are useless unless they say that such and such are the encumbrances. I think a proper certificate should be given even if it involves more labour and the payment of more fees by the parties. I shall refer the matter to the Director of Registration.

The other points mentioned by you will be referred to the High Court.

35. Grievances of the public consequent on the enhancement of process and other fees and hardships involved in certain items of procedure adopted by Civil Courts with suggestions for remedying the same.

Mr. A. Krishna Pillai (Member, Trading Classes, Kayankulam) represented that the administration of justice was once free and that there was no justification for making it a source of profit to the Government. The income derived from court fees and process fees was already more than sufficient to meet the cost of administration of justice and the recent enhancement of process fees and copying fees was therefore unnecessary and unjustifiable and deserved to be cancelled. He also said that fee was realised on compromise petitions in criminal cases in pursuance of a circular issued by Government, that the institution of such fee was not authorised by Section 22 of the Court Fees Regulation and that the fees hitherto realised from the parties under this head should be returned. In the Malayalam Administration Report, he could not find out the figures relating to judicial receipts and expenditure. The Member also pointed out:—

(1) that the High Court's circular insisting on both the parties getting attested copies of records for the conduct of cases was uncalled for and should not be enforced as it only served to delay the disposal of cases and gave increased work to copyists;

(2) that the production of encumbrance certificates for the auction sale of immovable properties should not be insisted on as it served no useful purpose;

(3) that notice to defendants should not be insisted on when plaintiffs wished to bid at auction sales in courts;

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(4) that conditional attachment might be ordered even before the production of copies of *chittas* from Taluk offices;

(5) that for correcting mistakes in decrees the petition fees and process fees now levied might be dispensed with, and that such fees, if considered necessary, might be realised from the clerks who committed those mistakes;

(6) that double process fees might be charged for the issue of immediate warrants as in Cochin;

(7) that fees to vakils in small cause suits might be included in decrees;

(8) that the power of revision in small cause suits should vest in District Courts instead of in the High Court as at present;

(9) that interest on the decretal amount should be charged at 12 per cent;

(10) that issues should be raised on the day on which the written statement was put in ; and

(11) that arrangements should be made for the inspection of Munsiffs' Courts twice a year by one of the High Court Judges, with a view to expedite the disposal of cases.

Dewan's reply.—The Member says that in the Administration Report there is an omission as regards judicial receipts and expenditure. I find them in the English copy and the Member is requested to refer to it. The question of finance and taxation has been so often discussed already that I do not propose to make any further reply in regard to it. The Member has referred to a number of defects in the carrying out of the instructions contained in certain Civil Circulars and Regulations in regard to the administration of civil justice. The Member's remarks will be brought to the notice of the High Court. *In re* encumbrance certificates, I have already told Mr. Nilakanta Aiyar what I propose to do.

36. Hardships of the mercantile classes in Civil Courts.

Mr. Ramasubba Chettiar Sivatanu Chettiar (Member, Trading Classes, Kottar) dwelt on the following points:—

(1) Copies of decrees were not granted even after 3 or 4 months from the date of application for the same.

(2) The Civil Circular on the subject laid down that 175 words should be written on a sheet of copying paper, but only 60 or 70 words were actually written, and thus more copying sheets were received from the parties than necessary, and even the blank sheets remaining after the copying was done were not returned to the parties.

(3) In Nanjinad, where Tamil is the mother-tongue of the people, plaints and petitions written in Tamil were not accepted.

(4) In civil courts, a separate execution court was necessary or at least the court should devote a specific period of time for execution work.

(5) The circular which laid down that unexecuted warrants should not be returned without being attested in the presence of the plaintiffs should be strictly followed.

(6) The courts should be empowered to issue warrants and attachment orders immediately on receipt of double process fees in order to prevent the escape of decree-debtors;

(7) Court fees should not be enhanced.

(8) Arrangements should be made for the disposal of suits for money due on accounts filed by merchants within 3 months.

(9) The account books of merchants produced before courts should be returned immediately after securing copies thereof so as to prevent corrections in them.

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